



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

February 26, 2013

From: Frank M. Duke, AICP, Planning Director

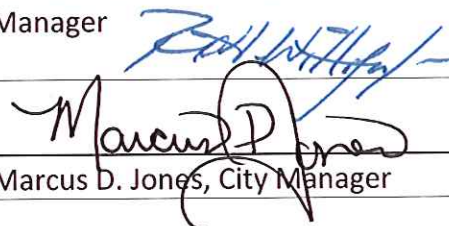
Subject: : Amendments to:

- 1) Chapter 2, *Definitions of the following definitions:*
 - (a) To amend Used Merchandise Sales."
 - (b) To add "Used Books/Media Sales."
- 2) Chapter 11, *Overlays to add "Used Books/Media Sales" as Special Exception Uses in zoning districts PCO-COLLEY (Pedestrian Commercial Overlay District – Colley Avenue), PCO-21ST STREET (Pedestrian Commercial Overlay District – 21st Street) and to reorganize the Table of Permitted Uses to provide cross references to other applicable Zoning Ordinance provisions.*
- 3) To Chapter 6, *Commercial Districts to add "Used Books/Media Sales" as a Permitted Use in all commercial zoning districts and to reorganize the Table of Permitted Uses to provide cross references to other applicable Zoning Ordinance provisions.*

Reviewed: Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: Citywide

Approved:


Marcus D. Jones, City Manager

Item Number:

PH-1

- I. **Recommendation:** Approval considering the potential enhanced business opportunities provided by the amendment.

II. **Applicant:** City Planning Commission

III. **Description**

- This agenda item amends three chapters of the *Zoning Ordinance* pertaining to Used Merchandise Sales.
- The text amendment reorganizes the Use Tables for the Colley Avenue and 21st Street PCO's and the Commercial Districts and provides cross references to other applicable *Zoning Ordinance* provisions that may be applied to particular uses for ease of reference.

IV. **Analysis**

- In response to City Council concerns regarding the proliferation of 'thrift stores' City Council approved an amendment to the *Zoning Ordinance* in Commercial Districts to require a Special Exception for Used Merchandise Establishments in Commercial Districts.
 - Excluded from that definition are Used Car Sale establishments and Antique Stores.
- Staff recognized that some additional uses could be excluded without impacting the intent of the original amendment such as Used Books/Media Sales.
 - The negative connotations of thrift stores are not associated with used books and media sales; used books and media contribute to the perception of a creative community.
- The amendment will create a definition for Used Books/Media Sales, will specifically exclude them from the definition of Used Merchandise Establishments and will allow them as a permitted use in the C-2 (Corridor Commercial) districts and C-3 (Retail Shopping Center) district.
- At the request of the Ghent Business Association, Used Book/Media Establishments will be allowed in the 21st Street and Colley PCO's by Special Exception.
- The proposed text amendment does not include any changes that are inconsistent with the policies of the *General Plan*.
- Reorganizing the Uses Tables begins the process of creating a common format for all used tables in the *Zoning Ordinance*.
 - Providing cross-references to other relevant ordinance provisions that regulate a particular use is a step toward creating a more user friendly *Zoning Ordinance*.

V. **Financial Impact**

Approval of the amendment will allow additional permitted uses in Commercial Districts as well as two PCO districts which are not allowed today.

VI. **Environmental**

A letter of support was received from the Ghent Business Association.

VII. **Community Outreach/Notification**

- Legal notification was placed in *The Virginian-Pilot* on November 29 and December 6.
- The Planning Commission Public Hearing was held on December 13, 2012.

- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

By a vote of **6 to 0**, the Planning Commission recommended that the requests for Text Amendments be **approved**, as outlined in the attached ordinances.

IX. Coordination/Outreach

This request has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinances

Proponents and Opponents

Proponents

Ghent Business Association
P.O. Box 11571
Norfolk, VA 23517

Opponents

None

1/3/13 ts

Form and Correctness Approval: *RW*

Contents Approved:

By *Adam Smith*
Office of the City AttorneyBy *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 45,009

PA-1

AN ORDINANCE TO AMEND AND REORDAIN SECTION 2-3, TABLE 6-5 AND TABLE 11-20.3 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, IN ORDER TO ALLOW USED BOOKS/MEDIA SALES AS A PERMITTED USE IN ALL COMMERCIAL DISTRICTS AND TO ALLOW BOTH USED BOOKS/MEDIA SALES AND USED MERCHANDISE SALES BY SPECIAL EXCEPTION IN THE COLLEY AVENUE AND 21ST STREET PEDESTRIAN COMMERCIAL OVERLAY DISTRICTS.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 2-3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Definitions," is hereby amended and reordained so as to revised the definition of "Used Merchandise Sales." The text shall read as set forth in "Exhibit A," attached hereto.

Section 2:- That Section 2-3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Definitions," is hereby amended and reordained so as to include a new definition for "Used Books/Media Sales." The text shall read as set forth in "Exhibit B," attached hereto.

Section 3: - That Table 6-5 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of principal uses for commercial districts," is hereby amended and reordained so as to allow "Used Books/Media Sales" as a permitted use in the C-1 (Limited Commercial) District, the C-2 (Corridor Commercial) District, the C-3 (Retail Center Commercial) District, and the C-4 (Large Scale Commercial) District. The table shall read as forth in "Exhibit C," attached hereto.

Section 4: - That Table 11-20.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of Principal Uses for Pedestrian Commercial Overlay Districts," is hereby amended and reordained so as

to allow both "Used Books/Media Sales" and "Used Merchandise Sales" by special exception in the 21st Street Pedestrian Commercial Overlay (PCO - 21st) District, and the Colley Avenue Pedestrian Commercial Overlay (PCO - Colley) District. The table shall read as set forth in "Exhibit D," attached hereto.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)
Exhibit B (1 page)
Exhibit C (5 pages)
Exhibit D (2 pages)

Adopted by Council February 26, 2013
Effective February 26, 2013

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Exhibit A

2-3 Definitions.

...

Used merchandise sales. The retail sale of reused products which, when new, are customarily offered for sale to consumers. Activities associated with this use may include providing drop-off or pickup collection services for used products, auctioning of used products, cleaning, repairing, and otherwise preparing used products for resale. Used-car dealers, used books/media sales, pawn shops, and antique stores having fifty (50) percent or more of the total square footage of the display area dedicated to the display of antiques for sale to the public shall not be included in this definition.

...

Exhibit B


2-3 Definitions.

....

Used books/media sales. The retail sale of used or reused print or digital media products, including books, magazines, video games and game consoles, media storage devices, compact discs, and vinyl records, but not including any media that are otherwise included in the definition of "Adult novelty store."

....

EXHIBIT C

6-5 - Table of Principal Permitted Uses for Commercial Districts. 

LEGEND	PRINCIPAL USES, BY DISTRICT				COMMENTS
P = Permitted Use S = Special Exception Use	COMMERCIAL DISTRICTS				
USE	C-1	C-2	C-3	C-4	
RESIDENTIAL USES					
Dwelling Unit, above ground floor only	S	S			
OFFICE AND RELATED USES					
Commercial Drive-Through (<u>for Financial institutions</u>)	S	S	S	S	<u>Subject to the requirements of §25-10.8, Commercial drive-through facility</u>
<u>Contractor's office (no exterior storage)</u>		P	P		
Dental Offices/Clinics		P	P		
Financial Institutions	P	P	P		
<u>Medical Offices/Clinics</u>		P	P		
<u>Off-Lot Parking (for Office Uses)</u>		S			<u>Subject to the requirements of §25-10.4, Off-lot parking</u>
Offices	P	P	P		
<u>Therapeutic massage facility</u>		P			
Veterinary Office		P	P		
RETAIL SALES AND SERVICES COMMERCIAL USES					
Adult Mini-Motion Picture		S			
Adult Movie Picture		S			<u>Subject to the requirements of §25-10.1, Adult uses</u>
Adult Novelty Store		S			<u>Subject to the requirements of §25-10.1, Adult uses</u>
<u>After Hours Membership Organizations</u>		S	S		
<u>Amusement Park</u>				S	
<u>Art Gallery</u>	P	P	P		
<u>Art Studio</u>	P	P	P		
Auction Sales		P			
Automobile and Truck Rental		P		P	
Automobile Repair		S	S	P	<u>Subject to the requirements of §25-10.3, Automobile repair and gas station</u>
Automobile Sales and Service		S		S	<u>Subject to the requirements of</u>

					<u>§25-10.7, Automobile sales and service</u>
<u>Bakery</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Boat Sales and Service		P		P	
<u>Boatels</u>		<u>S</u>			
Car Wash		S		S	
Check Cashing Establishment		S			
Commercial Drive-Through (for Commercial uses)	S	S	S	S	<u>Subject to the requirements of §25-10.8, Commercial drive-through facility</u>
Commercial Indoor Recreation		P	P		
Commercial Outdoor Recreation		S	S	P	
Commercial Recreation Centers		S	S		
<u>Commercial Parking Garage</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Communication Tower/Antenna (Commercial)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Subject to the requirements of §25-10.5, Communication towers/antennas</u>
<u>Dance Studio</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Eating Establishment	P	P	P	P	
Eating and Drinking Establishment	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Subject to the requirements of §25-10.1, Adult uses</u>
Entertainment Establishment	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Subject to the requirements of §25-10.1, Adult uses</u>
Establishments for the sale of alcoholic beverages for off-premises consumption	S	S	S		<u>Subject to the requirements of §25-10.1, Adult uses</u>
Establishment for the sale of distilled spirits		S	S		<u>Subject to the requirements of §25-10.1, Adult uses</u>
<u>Farmer's Market</u>		<u>P</u>		<u>P</u>	
<u>Fishing Pier</u>		<u>P</u>			
<u>Flea Market (indoor)</u>		<u>S</u>		<u>S</u>	
<u>Flea Market (outdoor)</u>				<u>S</u>	
<u>Funeral Home</u>		<u>P</u>			
Gas Station (sales only)	S	S	S		<u>Subject to the requirements of §25-10.3, Automobile repair and gas station</u>
Gas Station (sales and minor repair)		S	S		<u>Subject to the requirements of §25-10.3, Automobile repair and gas station</u>
Health and Fitness Facility	P	P	P		
<u>Hiring Hall</u>		<u>P</u>			

<u>Hotel or Motel</u>		<u>P</u>	<u>P</u>		
<u>Live Performance Theaters</u>		<u>P</u>	<u>P</u>		
Manufactured Home Sales and Service				P	
Motion Picture Studio		P			
<u>Mixed Uses</u>		<u>S</u>			
<u>Movie Theaters</u>		<u>P</u>	<u>P</u>		
<u>Off-Lot Parking</u>		<u>S</u>			<u>Subject to the requirements of §25-10.4, Off-lot parking</u>
<u>Outdoor Advertising Signs</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>Subject to the requirements of §16-6.15, Outdoor advertising signs</u>
Pawnshop		S			
Payday Loan and/or Auto Title Loan Establishment		S			
<u>Personal Watercraft Rental</u>		<u>S</u>			<u>Subject to the requirements of §15-10.6, Rental of personal watercraft</u>
Photofinishing Lab		P			
Plant and Garden Shop	P	P	P		
<u>Radio, Television Station</u>		<u>P</u>	<u>P</u>		
Retail Goods Establishments	P	P	P		
Retail Goods Establishments (operating after midnight)	S	S	S		
Retail Services Establishments	P	P	P		
Retail Services Establishments (operating after midnight)	S	S	S		
Therapeutic Massage Facility		P			
<u>Used Books/Media Sales</u>		<u>P</u>	<u>P</u>		
Used Merchandise Sales		S	S		
<u>Vendors</u>		<u>P</u>	<u>P</u>	<u>P</u>	
INSTITUTIONAL USES PUBLIC AND CIVIC USES (Sites < 1 Acre)					
Adult Day Care Center	P	P			
<u>Arena, Stadium, Sports Field</u>				<u>S</u>	
Assembly Hall		P			
Child Day Care Center	P	P	P		
Dental Offices/Clinics		P	P		
Government Building and Site (excluding those of an industrial nature)	P	P	P		
<u>Marinas, excluding boat repairs</u>		<u>P</u>			

Membership Organizations	P	P	P	P	
Medical Offices/Clinics		P	P		
Museum	P	P			
Music Conservatory	P	P			
Public Utility Building and Site (excluding storage and maintenance facilities)	P	P	P	P	
Religious Institutions	P	P			
Schools, kindergarten	P	P			
Schools, professional and vocational		P			
Yacht Club		P			
HEAVY COMMERCIAL AND MANUFACTURING INDUSTRIAL USES					
Bakery	P	P	P		
Laboratory; Medical, Dental, Optical		P			
Laboratory; Testing		P			
Mini-Warehouse		P	S	P	
Motion Picture Studio		P			
Photofinishing Lab		P			
Plant and Garden Shop	P	P	P		
Recycling Collection Station		P	P		
Sign Painting		P			
RECREATION, CULTURAL & ENTERTAINMENT					
After Hours Membership Organizations		S	S		
Amusement Park				S	
Arena, Stadium, Sports Field				S	
Art Gallery	P	P	P		
Art Studio	P	P	P		
Commercial Indoor Recreation		P	P		
Commercial Outdoor Recreation		S	S	P	
Commercial Recreation Centers		S	S		
Dance Studio	P	P	P		
Live Performance Theaters		P	P		
Membership Organizations	P	P	P	P	
Movie Theaters		P	P		
Personal Watercraft Rental		S			
MISCELLANEOUS					
Assembly Hall		P			
Boatels		S			

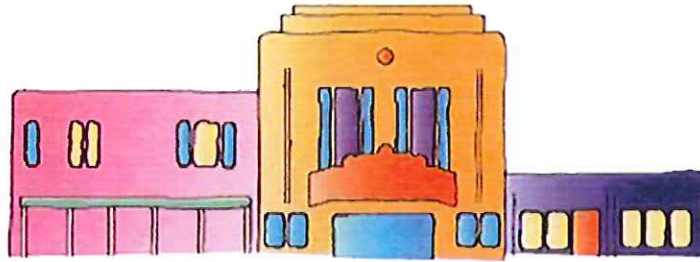
Commercial Parking Garage	P	P	P		
Communication Tower/Antenna (Commercial)	S	S	S	S	
Contractor's office (no exterior storage)		P	P		
Farmer's Market		P		P	
Fishing Pier		P			
Flea Market (indoor)		S		S	
Flea Market (outdoor)				S	
Funeral Home		P			
Hiring Hall		P			
Hotel or Motel		P	P		
Marinas, excluding boat repairs		P			
Mixed Uses		S			
Off-Site Parking		S			
Outdoor Advertising Signs		S	S	S	
Public Utility Building and Site (excluding storage and maintenance facilities)	P	P	P	P	
Radio, Television Station		P	P		
Recycling Collection Station		P	P		
Veterinary Office		P	P		
Yacht Club		P			
Vendors		P	P	P	

EXHIBIT D

11-20.3 Table of Principal Uses for Pedestrian Commercial Overlay Districts.

LEGEND	PRINCIPAL USES BY DISTRICT		COMMENTS
P = Permitted Use S = Special Exception Use			
USE	PCO-COLLEY	PCO-21ST	
RESIDENTIAL USES			
Dwelling unit, above ground floor only	S	S	
OFFICE AND RELATED USES			
<u>Commercial Drive-Through (for Financial Institutions)</u>		<u>S</u>	<u>Subject to the requirements of §25-10.8, Commercial drive-through facility</u>
<u>Dental Office/Clinic</u>	P	<u>P</u>	
Financial Institution	P	P	
<u>Medical Office/Clinic</u>	<u>P</u>	<u>P</u>	
<u>Off-Lot Parking (for Office Uses)</u>	<u>S</u>	<u>S</u>	<u>Subject to the requirements of §25-10.4, Off-lot parking</u>
Office	P	P	
Veterinary Office		<u>P</u>	
RETAIL SALES AND SERVICES COMMERCIAL USES			
<u>Art Gallery</u>	<u>P</u>	<u>P</u>	
<u>Art Studio</u>	<u>P</u>	<u>P</u>	
<u>Commercial Drive-Through</u>		<u>S</u>	<u>Subject to the requirements of §25-10.8, Commercial drive-through facility</u>
<u>Commercial Parking Garage (with ground floor commercial uses)</u>	<u>S</u>	<u>S</u>	
Consignment Shop	S	S	
Dance Studio	P	P	
Eating Establishment	P	P	
Eating and Drinking Establishment	S	S	<u>Subject to the requirements of §25-10.1, Adult uses</u>
Entertainment Establishment	S	S	<u>Subject to the requirements of §25-10.1, Adult uses</u>
Establishments for the Sale of Alcoholic Beverages for Off-Premises Consumption	S	S	<u>Subject to the requirements of §25-10.1, Adult uses</u>
Health and Fitness Facility		P	
<u>Mixed Uses</u> ¹		<u>S</u>	

<u>Movie Theater</u>	<u>P</u>	<u>P</u>	
<u>Museum</u>	<u>P</u>	<u>P</u>	
<u>Music Conservatory</u>	<u>P</u>	<u>P</u>	
<u>Off-Lot Parking (for Commercial uses)</u>	<u>S</u>	<u>S</u>	<u>Subject to the requirements of §25-10.4, Off-lot parking</u>
Plant and Garden Shop	P	P	
Retail Goods Establishment	P	P	
Retail Goods Establishments (operating after midnight)	S	S	
Retail Services Establishment	P	P	
Retail Services Establishments (operating after midnight)	S	S	
<u>Used Book/Media Sales</u>	<u>S</u>	<u>S</u>	
<u>INSTITUTIONAL USES PUBLIC AND CIVIC USES</u>			
Adult Day Care Center		P	
Child Day Care Center		P	
Dental Office/Clinic	P	P	
Medical Office/Clinic	P	P	
<u>RECREATIONAL, CULTURAL, ENTERTAINMENT</u>			
Art Gallery	P	P	
Art Studio	P	P	
Dance Studio	P	P	
Movie Theater	P	P	
Museum	P	P	
Music Conservatory	P	P	
<u>MISCELLANEOUS</u>			
Commercial Drive Through		S	
Commercial Parking Garage (with ground floor commercial uses)	S	S	
Mixed Uses[±]		S	
Off-Site Parking	S	S	
Veterinary Office		P	



Ghent Business Association

December 6, 2012

Mr. Frank M. Duke
Director, Planning Department
City of Norfolk
City Hall
Norfolk, VA 23510

Dear Mr. Duke,

I am writing on behalf of the Board of the Ghent Business Association concerning a request by City Staff to adjust the definition of "used merchandise" to exclude used books and media. The Board recommends inclusion of used books and media as a special exception approved use in both Ghent PCOs. The Board is opposed to adding used merchandise as a approved use within the PCOs, including a special exception approved use.

Sincerely,

A handwritten signature in black ink, appearing to read "James O'Brien".

James O'Brien
Corresponding Secretary
Ghent Business Association